

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR03-211-JCC
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 MELISSA BELINDA MARTIN,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13

14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on August 29, 2007. The United States was represented by AUSA Michael J. Lang and the
16 defendant by Terrence Kellogg. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 16, 2004 by the Honorable John C.
18 Coughenour on a charge of Conspiracy to Possess Stolen Mail and to Use an Unauthorized
19 Access Device, and sentenced to 24 months custody, 3 years supervised release.

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant participate in drug testing and treatment, abstain from alcohol, submit to search,
22 provide access to financial information, be prohibited from obtaining new credit without

01 permission, not possess any identification documents in any but defendant's true identity, and pay
02 restitution in the amount of \$12,022.00. (Dkt. 31, page 4.)

03 On February 3, 2006, defendant admitted to violating the conditions of supervision by
04 committing the crime of disorderly conduct, committing the crime of driving with a
05 suspended/revoked license, committing the crime of operating a motor vehicle without a valid
06 operator's license, failing to notify her probation officer within 72 hours of her arrest by Neah
07 Bay/Makah tribal police, associating with known felon Michael Kelly, using alcohol, failing to
08 notify her probation officer of being terminated from her employment, and failing to notify her
09 probation officer of a change in residence. (Dkt.47.) The conditions of supervision were modified
10 to require defendant to reside in a residential reentry center for up to 120 days. (Dkt. 48.) The
11 disposition hearing was stricken.

12 On April 20, 2007, Defendant admitted to violating the conditions of supervised release
13 by failing to complete the residential reentry program and by drinking alcohol. She was sentenced
14 to 90 days in custody, 18 months supervised release. She was also ordered to participate in Moral
15 Reconation Therapy. (Dkt. 57.)

16 In an application dated July 9, 2007 (Dkt. 58), Supervising U.S. Probation Officer Kathi
17 Stringer alleged the following violation of the conditions of supervised release:

18 1. Failing to notify the probation officer of a change in residence in violation of
19 standard condition number 6.

20 In an application dated August 15, 2007 (Dkt. 60), U.S. Probation Officer Michael S.
21 Larsen alleged the following violation of the conditions of supervised release:

22 2. Associating with a known felon, Michael Joseph Kelly, on or about July 23, 2007,

01 in violation of standard condition number 9.

02 This violation was added to the pending violation petition.

03 Defendant was advised in full as to those charges and as to her constitutional rights.

04 Defendant admitted the alleged violations and waived any evidentiary hearing as to
05 whether they occurred. (Dkt. 67.)

06 I therefore recommend the Court find defendant violated her supervised release as alleged,
07 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
08 set before Judge Coughenour.

09 Pending a final determination by the Court, defendant has been detained.

10 DATED this 29th day of August, 2007.

11 
12 Mary Alice Theiler
13 United States Magistrate Judge
14

15 cc: District Judge: Honorable John C. Coughenour
16 AUSA: Michael J. Lang
17 Defendant's attorney: Terrence Kellogg
18 Probation officer: Michael S. Larsen
19
20
21
22